

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – T & A Department – Sri G. Sree Rama Murthy, Senior Accountant, Dist. Treasury, Visakhapatnam – Punishment of withholding of One Annual Grade Increment with cumulative effect on pension awarded by D.T.A., Hyderabad – Appeal petition – Orders – Issued.

-----

FINANCE (Admn.III) DEPARTMENT

G.O. Rt. No. 992

Dt. 29-3-2011

Read the following:

1. Procs. No. K(1)2/4754/2007-4, dt. 29-7-2010 of D.T.A., Hyderabad.
2. Appeal petition of Sri G. Sree Rama Murthy, Sr. Accountant, Dist. Treasury, Visakhapatnam dt. 18-1-2011.
3. Lr. No. K(1)2/1023/2011, dt. 7-2-2011 from the D.T.A., Hyderabad.

\*\*\*

ORDER:

On the allegations of his failure to undertake proper scrutiny of the arrear claims of two Special Vidya Volunteers of Visakhapatnam Dist. as per the Govt. orders issued from time to time, the following charge has been framed against Sri G. Sree Rama Murthy, Senior Accountant.

Charge:

Sri G. Sree Rama Murthy, Senior Accountant while working in Dist. Treasury, Visakhapatnam has failed to undertake proper scrutiny of the arrear claims of Sri M. Chinnabalana, SGT, TWAUP, School, G. Boddekurt and Sri Mukki Padal Koti Babu, SGT with reference to the orders issued in G.O.Ms.No.130, Education (Ser.V) Dept., dt. 26-10-2005 and Procs. Rc.No.812/PMC/2002, dt. 2-12-2000 of the Project Officer and appended express pay order vide Sl.No.362 and 344 of the Pre-audit Register of the Dist. Treasury for approval even though the claim is inadmissible and thereby found responsible for irregular passing of two bills amounting to Rs.63,795/- and also for the subsequent flooding of similar irregular claims.

2. After following due procedure, the punishment of stoppage of one annual grade increment with cumulative effect was imposed against him vide reference 1<sup>st</sup> read above.

3. Aggrieved by that the individual has preferred an appeal petition vide reference 2<sup>nd</sup> read above, wherein he has stated that the departmental proceedings were initiated basing on the G.O.Ms.No.130, Edn. (Ser.V) Dept., dt. 26-10-2005, and the punishment was awarded to him. Now the Hon'ble APAT in its common judgement dt. 10-2-2010 in O.A.No. 7613/2005 and batch held as follows:

“In the result, the O.As. are allowed in part with the following directions. The Words “Prospective effect” mentioned in para 4 of G.O.Ms.No.130, Edn. (Ser.V) Dept., dt. 26-10-2005 are **Struck down as unconstitutional**”

4. He also stated that the words prospective effect mentioned in para – 3 of Procs. in Rc.No.1676/D3-4-2005, dt. 2-11-2005 issued by the Director of School Education, Hyderabad are also struck down as unconstitutional. Hence pre-audit of two bills attended by him amounting to Rs.63,795/- in terms of the Govt. orders in G.O. Rt. No. 748, School Education (SP.R & E2) Dept., dated 27-8-2004 are correct and there will be no fault on his part. When the Hon'ble APAT declared the provision as unconstitutional and struck down, awarding of punishment later comes under against the orders of the APAT which has become final and no Appeal or Revision has been preferred against it.. As such the relevant clause in said G.O. which is basis for initiation of disciplinary proceedings was struck down as unconstitutional, the charge memo is also unconstitutional and finally he prayed that the charge framed against him may kindly be dropped and the punishment awarded against him be set aside and he be re-promoted as S.T.O. immediately.

5. Hence by taking into consideration the subsequent events, the appeal petition of the appellant deserves consideration and decided to set aside the punishment of withholding of one annual grade increment with cumulative effect awarded by the DTA, Hyderabad and exonerate him fully from the charge which was issued basing on the G.O.Ms. No.130 dated 26-10-2005 as the said G.O. was struck down by the APAT subsequently.

6. Government accordingly, exonerate the appellant from the charge and set aside the punishment of withholding of one annual grade increment with cumulative effect awarded by the D.T.A., Hyderabad vide his Procs. 1<sup>st</sup> read above.

7. The Director of Treasuries & Accounts, Hyderabad is requested to take necessary action in the matter accordingly under intimation to the Government.

8. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)  
L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To  
The individual  
(through the DTA, Hyd.)  
Copy to: The D.T.A., A.P., Hyd.  
SC/SF

//FORWARDED:: BY ORDER//

SECTION OFFICER